

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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PHILADELPHIA RESTAURANT :  
OWNERS AGAINST LOCKDOWN, LLC :  
1223 Walnut Street :  
Philadelphia, PA 19107 :

Plaintiff,

v.

JAMES KENNEY, in his official capacity :  
as Mayor of the City of Philadelphia :  
City Hall, Rm. 204 :  
Philadelphia, PA 19107 :

AND

CITY OF PHILADELPHIA :  
1515 Arch Street, Suite 15 :  
Philadelphia, PA 19102 :

Defendants.

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Civil Action No.: 2:20-CV-5809

EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND INJUNCTION WITHOUT NOTICE  
PURSUANT TO RULE 65

**ORDER**

AND NOW, this                      day of                      , 2020, upon the  
Emergency Motion for Temporary Restraining Order and Injunction without Notice against  
Defendants, James Kenney, in his official capacity as Mayor of the City of Philadelphia, and the  
City of Philadelphia, filed by Plaintiff, Philadelphia Restaurant Owners Against Lockdown, LLC,  
Plaintiff's Supporting Memorandum of Law, Plaintiff's Complaint, the Affidavit of Stavros  
Vasiliadis, and the Certification of Brian E. Fritz, Esquire, and having held a hearing on  
\_\_\_\_\_, 2020, the Court finds that Plaintiff has established that:

1. There is a substantial likelihood that the Plaintiff will succeed on the merits of its claims against the Defendants;
2. The Plaintiff will suffer immediate and irreparable harm if the Defendants' unlawful and unconstitutional conduct remains unabated, namely the Constitutional violations as alleged in Plaintiff's Complaint, the taking of property, the closure of business, and the loss of their livelihood;
3. The irreparable injury the Plaintiff faces outweighs the injury that the Defendants will sustain as a result of the immediate injunctive relief; and
4. The public interest will be served by the granting of the immediate injunctive relief.

**WHEREFORE, IT IS HEREBY ORDERED THAT** the Emergency Motion for Temporary Restraining Order and Injunction without Notice is **GRANTED**. Accordingly, the Defendants are hereby bound and enjoined from enforcing the ban on indoor dining at restaurants located within the City and County of Philadelphia for the duration of this Temporary Restraining Order.

**IT IS HEREBY FURTHER ORDERED THAT:**

1. A hearing is set on Plaintiff's Motion for Preliminary Injunction to be hold on \_\_\_\_\_, 2020 at \_\_\_\_\_ o'clock a.m./p.m. in Courtroom \_\_\_\_\_ of the United States District Court for the Eastern District of Pennsylvania.
2. The hearing will/will not be held using remote video-conference technology.
3. Plaintiff, by and through their attorney, Fritz & Bianculli, LLC, shall provide notice of this Order, and, to the extent they have not already, make service of all papers upon the Defendants.

4. This Temporary Restraining Order is entered at \_\_\_\_\_ a.m./p.m. and shall remain in effect pursuant to Rule 65 of the Federal Rules of Civil Procedure, unless otherwise modified by an Order of this Court.

SO ORDERED.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
U.S.D.J.